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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,267	08/18/2000	Kenneth R Goguen	07072-939001	7447

7590 09/21/2005  
Hale and Dorr LLP  
60 State Street  
Boston, MA 02109

EXAMINER

BARAN, MARY C

ART UNIT PAPER NUMBER

2857

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/642,267

Applicant(s)

GOGUEN ET AL.

Examiner

Mary Kate B. Baran

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The action is responsive to the Amendment filed on 8 July 2005. Claim 1 is pending. Claims 10 and 11 are new.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voigt et al. (U.S. Patent No. 5,623,598) (hereinafter Voigt) in view of Harrison et al. (U.S. Patent No. 6,128,717) (hereinafter Harrison) and further in view of Burns et al. (U.S. Patent No. 6,026,352) (hereinafter Burns).

Referring to claim 1, Voigt teaches a method for presenting system performance to a user in a mass storage system (see Voigt, Figures 5-7), the storage system having a plurality of disk drive storage elements (see Voigt, Figure 2, storage disks 32) controlled by a disk drive controller (see Voigt, Figure 2, "disk array controller. 34" and column 3 lines 5-9), said controller receiving commands and data from (see Voigt, column 4 line 65 – column 5 line 5 and column 5 lines 14-38) and returning at least data to a host computer (see Voigt, column 6 lines 5-13), the method includes the steps:

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executing a test request by sending commands to said mass storage system (see Voigt, column 5 lines 29-31), accumulating, at said executing host computer, data regarding performance of said mass storage system, in response to the requests sent by said host computer (see Voigt, column 5 lines 20-24), and presenting said accumulated data, in a graphical plot format (see Voigt, Figures 5-7), for enabling the visualization of trends in the performance of said mass storage system as a function of at least one selected parameter, in response to said host generated commands (see Voigt, column 6 lines 10-13 and lines 24-29). Voigt does not teach a controller connected to a plurality of host computers or coordinated time synchronization.

Harrison teaches a controller (i.e. interface structure 14) which is connected to plurality of host computers (i.e. network environment 12) (see Harrison, column 7 lines 3-11 and Figure 2).

Burns teaches coordinated time synchronization (see Burns, column 16 lines 37-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was to modify Voigt to include the teachings of Harrison because providing performance data for a plurality of hosts can enhance the overall performance of the storage system (see Harrison, column 5 lines 46-53), and to further include the teachings of Burns because coordinated time synchronization would have allowed the skilled artisan to time stamp data to indicate when data was generated (see Burns, column 16 lines 44-46).

Referring to claim 2, Voigt further teaches the method wherein the parameter is time (see Voigt, column 6 lines 5-6).

Referring to claim 5, Voigt further teaches the method wherein said presenting step displays said data on a computer display in said graphical format (see Voigt, column 6 lines 10-13 and Figures 5-7).

Referring to claim 6, Voigt further discloses the method wherein said method further comprises selecting at least one test phase for viewing in said graphical plot format (see Voigt, column 6 lines 29-33 and Figures 5-7).

Referring to claim 7, Voigt further teaches displaying, in association with said graphical plot format, parameters relating to the graph (see Voigt, column 6 lines 33-36 and Figures 5-7).

Referring to claim 8, Voigt further teaches parameters which include at least one of the nature of the test, the size of data blocks which have been used, and the number of data points (see Voigt, column 5 lines 1-5).

Referring to claim 9, Voigt further teaches enabling a user to display multiple graphs on a single sheet (see Voigt, Figure 7).

Referring to claim 11, Voigt further teaches sending communications to said host computers to issue commands prior to executing said test request (see Voigt, column 5 lines 20-38).

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voigt et al. (U.S. Patent No. 5,623,598) (hereinafter Voigt) in view of Harrison et al. (U.S. Patent No. 6,128,717) (hereinafter Harrison) in view of Burns et al. (U.S. Patent No. 6,026,352) (hereinafter Burns) and further in view of Oshelski et al. (U.S. Patent No. 5,586,059) (hereinafter Oshelski).

Referring to claim 3, as noted above Voigt, Harrison and Burns teach all but a method wherein said accumulating step accumulates said data in a plurality of databases, and said method further comprises selecting one of said databases for viewing.

Oshelski teaches extracting data and storing the data in a plurality of databases (see Oshelski, column 5 lines 44-47) and accessing these files to analyze and display in user-specified formats which include charts and graphs (see Oshelski, column 5 lines 30-40).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Voigt, Harrison and Burns to include the teachings of Oshelski because extracting and storing the data in a plurality of databases and accessing these files to analyze and display the data in graphical form would have allowed the skilled artisan to make the requested data easier to access and faster to plot.

Referring to claim 4, as noted above Voigt, Harrison and Burns teach all but a method wherein said presenting step prints said data in said graphical plot format.

Oshelski discloses printing data (see Oshelski, column 6 lines 17-20) in a user-selected format, which includes charts or graphs (see Oshelski, column 5 lines 37-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voigt, Harrison and Burns to include the teachings of Oshelski because printing the data in graphical form would have allowed the skilled artisan to provide the user with a hard copy of the performance data in case of system error or for publication.

#### ***Allowable Subject Matter***

4. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Connor does not teach coordinated time synchronization; however, this limitation is met by Burns who teaches time synchronization to assure proper communication activities (see Burns, column 16 lines 37-44).

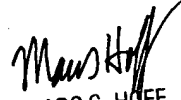
**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Kate B. Baran whose telephone number is (571) 272-2211. The examiner can normally be reached on Monday - Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16 September 2005

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
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